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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. *2013-588*

13 **REBECCA STONE ROMERO,**
14 **aka REBECCA STONE**

STATEMENT OF ISSUES

15 Registered Nurse License Applicant

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
20 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs (Board).

22 2. On or about March 1, 2012, the Board received an application for a Registered Nurse
23 License from Rebecca Stone Romero, aka Rebecca Stone (Respondent). On or about February
24 27, 2012, Rebecca Stone Romero certified under penalty of perjury to the truthfulness of all
25 statements, answers, and representations in the application. The Board denied the application on
26 May 23, 2012.

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1 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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3 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
4 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
5 Act] or regulations adopted pursuant to it.

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7 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
8 functions, and duties of a registered nurse, in which event the record of the conviction shall be
9 conclusive evidence thereof. . . ."

10 8. Section 2762 states:

11 "In addition to other acts constituting unprofessional conduct within the meaning of this
12 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
13 chapter to do any of the following:

14 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
15 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
16 administer to another, any controlled substance as defined in Division 10 (commencing with
17 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
18 defined in Section 4022.

19 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
20 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
21 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
22 himself or herself, any other person, or the public or to the extent that such use impairs his or her
23 ability to conduct with safety to the public the practice authorized by his or her license.

24 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
25 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
26 or the possession of, or falsification of a record pertaining to, the substances described in
27 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
28 thereof. . . ."

1 **REGULATORY PROVISION**

2 9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

3 "A conviction or act shall be considered to be substantially related to the qualifications,
4 functions or duties of a registered nurse if to a substantial degree it evidences the present or
5 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
6 safety, or welfare. . . ."

7 **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

8 10. Alprazolam, a generic name for Xanax, is a Schedule IV controlled substance
9 pursuant to Health and Safety Code section 11057(d) and a dangerous drug pursuant to section
10 4022.

11 **FIRST CAUSE FOR DENIAL OF APPLICATION**

12 **(Convictions of Substantially Related Crimes)**

13 11. Respondent's application is subject to denial under sections 480, subdivision (a)(1),
14 2761, subdivision (f), 480, subdivision (a)(3), and 490, in conjunction with California Code of
15 Regulations, title 16, section 1444, in that Respondent was convicted of crimes substantially
16 related to the qualifications, functions or duties of a registered nurse which to a substantial degree
17 evidence her present or potential unfitness to practice in a manner consistent with the public
18 health, safety, or welfare. The circumstances of the convictions are as follows:

19 a. On or about October 29, 2008, after pleading guilty, Respondent was convicted of
20 one class 3 misdemeanor count violating Arizona Revised Statute (ARS) section 28-665(a)(1)
21 [leaving the scene of an accident / striking a fixture] in the criminal proceeding entitled *State of*
22 *Arizona v. Rebecca Romero* (Ariz. Muni. Ct., Maricopa County, 2008, No. 13765036-01). The
23 Court ordered Respondent to pay a \$480 fine.

24 b. The circumstances underlying the conviction are that on or about August 17, 2008,
25 Respondent drove her vehicle into highway's center median, and drove away. Respondent was
26 later arrested for driving while under the influence.

27 c. On or about September 14, 2009, after pleading guilty, Respondent was convicted of
28 one misdemeanor count violating ARS section 28-1381(a)(1) [drive while under the influence of

1 alcohol/drugs] in the criminal proceeding entitled *State of Arizona v. Rebecca Stone Romero*
2 (Ariz. J. Ct., Maricopa County, 2009, No. TR2009-129004). The Court sentenced Respondent to
3 one (1) day jail, and placed her on one (1) year probation.

4 d. The circumstances underlying the conviction are that on or about August 15, 2008,
5 Respondent drove a vehicle while under the tested influence of a controlled substance and
6 dangerous drug, Alprazolam. While operating the vehicle, Respondent hit a median and right
7 side of the road multiple times. Respondent admitted to being a "pill addict," but stated that she
8 had been clean for 30 days. Respondent's vehicle was towed away.

9 e. On or about February 5, 2009, after pleading guilty, Respondent was convicted of one
10 misdemeanor count of violating ARS section 28-1381(a)(1) [drive while under the influence of
11 alcohol/drugs] in the criminal proceeding entitled *State of Arizona v. Rebecca Stone Romero*
12 (Ariz. Muni. Ct., Maricopa County, 2008, No. TR2008-028276). The Court sentenced
13 Respondent to one (1) day jail, ordered her to complete the Scottsdale Treatment Institute
14 Program – Alcohol Screening Program, and ordered her drive her vehicle with an ignition
15 interlock device installed.

16 f. The circumstances underlying the conviction are that on or about August 17, 2008,
17 Respondent drove a vehicle while under the influence of a controlled substance and dangerous
18 drug, Alprazolam, and caused an automobile accident. Respondent was disoriented and was in
19 possession of a 180 tablet Alprazolam prescription filled on August 16, 2008, with the bottle
20 containing 31 tablets as of August 17, 2008. Respondent admitted that she was recently released
21 from a rehabilitation program, and was prescribed Alprazolam.

22 **SECOND CAUSE FOR DENIAL OF APPLICATION**

23 **(Conduct Warranting License Discipline - Unprofessional Conduct)**

24 12. Respondent's application is subject to denial under section 480, subdivision (a)(3),
25 2761, subdivision (a), on the grounds of unprofessional conduct, and 2761, subdivision (d), for
26 violating sections as follows:

27 a. Section 2762, subdivision (a). On or about August 15, 2008, and on or about August
28 17, 2008, Respondent illegally administered herself Alprazolam, a controlled substance and

1 dangerous drug by exceeding the prescribed dosages.

2 b. Section 2762, subdivision (b). On or about August 15, 2008, and on or about August
3 17, 2008, Respondent dangerously used Alprazolam, a controlled substance and dangerous drug,
4 by driving while under the influence and causing traffic collisions.

5 c. Section 2762, subdivision (c). On or about September 14, 2009, and on or about
6 February 5, 2009, Respondent sustained controlled substance related criminal convictions.

7 d. Section 490. On or about September 14, 2009, on or about February 5, 2009, and on
8 or about October 29, 2008, Respondent sustained criminal convictions.

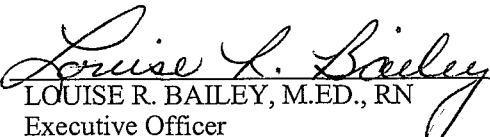
9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board issue a decision:

12 1. Denying the application of Rebecca Stone Romero, aka Rebecca Stone for a
13 Registered Nurse License; and

14 2. Taking such other and further action as deemed necessary and proper.

15 DATED: JANUARY 29, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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